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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,675	10/30/2001	Rachel Kuller	10011417-1	1411

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EXAMINER

MAYES, MELVIN C

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/020,675	KULLER ET AL.
	Examiner	Art Unit
	Melvin Curtis Mayes	1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 August 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 12,14-16,26,31 and 32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 12 and 26 is/are allowed.

6) Claim(s) 14-16,31 and 32 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

(1)

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

(2)

Claims 15, 16 and 32 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the adhesive tape applied to the media being taken from a adhesive film including a plurality of segments, does not reasonably provide enablement for the adhesive film applied to the media including a plurality of segments. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims.

According to the specification, a segment of adhesive tape which is applied to a media is supplied from an adhesive tape which includes a plurality of segments. While the specification provides support for the adhesive tape applied to the selected side as supplied or taken from an adhesive film which includes a plurality of segments, the specification does not provide support for the adhesive tape which is applied to the selected side as itself having a plurality of segments, as now claimed. In other words, the specification does not support applying a plurality of segments of adhesive film to a selected side of media, but only supports applying a double-sided adhesive film and backing sheet taken from a reel stock of adhesive tape comprising segmented adhesive film including a plurality of segments.

(3)

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

(4)

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 claims segments being carried on a carrier sheet but depends from Claim 14 which claims a backing sheet. How does the “carrier sheet” relate to the “backing sheet”? According to the specification, segmented adhesive film and backing sheet are carried on a carrier sheet via an adhesive layer.

Claim Rejections - 35 USC § 102 and 103

(5)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(6)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

(7)

Claims 14 and 31 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Conwell et al. 6,462,765.

Conwell et al. disclose a method of making printed labels comprising: supplying a label film in roll form to a printer; printing the label film; and laminating to the printed clear label film an adhesive with liner from an adhesive with liner roll. Clear label films of varying thickness may be used depending upon the level of environmental resistance required (col. 1, line 59 – col. 2, line 15).

By using label films with varying thickness, media (label film) is obviously selected from a set of media of varying size, as claimed.

Further by applying adhesive film with liner to the label film, an adhesive tape which includes a double-sided adhesive film and backing sheet removably adhered is obviously applied to the media (label film), as claimed.

(8)

Claims 14 and 31 are rejected under 35 U.S.C. 103(a) as obvious over Conwell et al. 6,462,765 in view of Brzuskiewicz 6,190,065.

Conwell et al. disclose a method of making printed labels comprising: supplying a label film in roll form to a printer; printing the label film; and laminating to the printed clear label film an adhesive with liner from an adhesive with liner roll. Clear label films of varying thickness

may be used depending upon the level of environmental resistance required (col. 1, line 59 – col. 2, line 15).

Brzuskiewicz teaches that in making printed labels by feeding a transparent or translucent image receiving tape to a print head, printing the tape and laminating to the tape an adhesive tape, the adhesive tape is a double-sided adhesive tape coupled with a release liner (col. 5, lines 34-50).

It would have been obvious to one of ordinary skill in the art to have modified the method of Conwell et al. for making printed labels by providing the adhesive with liner as a double-sided adhesive tape with release liner, as taught by Brzuskiewicz, as adhesive tape laminated to printed transparent tape for making printed labels.

By using label films with varying thickness, media (label film) is obviously selected from a set of media of varying size, as claimed.

(9)

Claims 14-16, 31 and 32 are rejected under 35 U.S.C. 103(a) as obvious over Ishiyama 4,240,862.

Ishiyama discloses a method of printing boarding pass and baggage tag comprising: feeding a printing paper strip to a printing unit and printing the strip; and applying to the paper strip an adhesive member consisting of double-sided adhesive piece 88 and cover piece 86. The adhesive member is supplied from a roll of adhesive tape having a series of adhesive members and an adhesive tape base 84 on which the adhesive members are attached. Perforations are made at regular intervals through the adhesive members and base to be engaged with a sprocket wheel.

The width of the printing paper strip for the boarding pass is larger than that of the printing paper strip for the baggage tag (coll. 3-8).

By selecting printing paper strip for printing boarding pass as larger than printing paper strip for printing baggage tag, media (paper strip) is selected from a set of media of varying size for feeding into a printing device, as claimed.

By applying adhesive member of double-sided adhesive and cover piece supplied from a roll of tape having a series of perforated adhesive members on a base, adhesive tape of double-sided adhesive film and removable backing sheet are obviously applied as taken from tape including a plurality of segments, the segments perforated and carried on a carrier sheet, as claimed.

Allowable Subject Matter

(10)

Claims 12 and 26 are allowed.

Conclusion

(11)

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(12)

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

(13)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Curtis Mayes whose telephone number is 571-272-1234. The examiner can normally be reached on Mon-Fri 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melvin Curtis Mayes
Primary Examiner
Art Unit 1734

MCM
April 6, 2005